ZB# 78-21

Townsend & Husted

65-1-47

18-21- Townsend/Husted - hailer addition - use variante

8 pm. - Gug. 14,

| GENERAL RECEIPT | 3777 |
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| TOWN OF NEW WINDSOR 555 Union Avenue New Windsor, N. Y. 12550 Aug 15 | 19 <i>.</i> Z <i>S</i> |
| RECEIVED OF Joursens That the | \$ <i>50.00</i> DOLLARS |
| FOR 78-21 (Flarince app) | |
| DISTRIBUTION: FUND CODE AMOUNT | reastonia |
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| Williamson Law Book Co., Rochester, N. Y. 14609 | . <u>/</u> |

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

In the Matter of the Application of DWIGHT TOWNSEND and JAMES HUSTED

Application #78-21.

APPLICATION GRANTING USE VARIANCE AND SPECIAL PERMIT

WHEREAS, DWIGHT TOWNSEND and JAMES HUSTED of 14 Fenmore Drive, Wappingers Falls, New York, have made application for use variance and special permit to permit additional mobile homes to be located at their mobile home park on Riley Road, Town of New Windsor in an R-4A zone; and

WHEREAS, the applicants seek to expand their present mobile home park by 2 mobile homes; and

WHEREAS, a public hearing was held on the 14th day of August, 1978 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicants appeared before the Zoning Board of Appeals and represented themselves; and

WHEREAS, there was no opposition to the application before the Board; and

WHEREAS, the Zoning Board of Appeals makes the following findings of fact in this matter:

- l. The notice of the public hearing was duly sent to residents and businesses as prescribed by law and published in The Evening News, also as required by law.
- 2. The evidence showed that it was necessary for the owners to expand their park in order to provide sufficient income to repair the park and keep it in attractive condition so that it would not constitute an

eyesore or detract from the neighborhood.

- 3. The evidence shows that the variance sought will not change the general character of the neighborhood which is residential.
- 4. The present non-conforming use of a trailer park does not seriously detract from the neighborhood in expansion of the trailer park by two (2) trailers will not cause any additional impact to the neighborhood.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

- 1. That although the applicants applied for a variance to construct three (3) additional mobile home sites, the provisions of Section 27-a 11 of the Code of the Town of New Windsor prohibit the Zoning Board of Appeals from granting a variance for more than two (2) additional sites and therefore the application is considered only for the granting of two (2) sites and not for three (3).
- 2. That the land will not yield a reasonable return unless the variance is granted.
- 3. The the plight of the applicants is due to the unique circumstances of the pre-existing mobile home park.
- 4. The proposed use will not alter the essential character of the neighborhood immediately adjacent to it nor impair the character or use of the pre-existing mobile home park since it is residential in character.
 - 5. That the proposed use will not reqrite the Zoning Local Law.
 - 6. That the proposed use is not a self-created hardship.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grant a use variance and special use permit to DWIGHT TOWNSEND and JAMES HUSTED for the expansion of their present mobile home park by

two (2) mobile homes in accordance with Section 27-a 11 of the Mobile Home Law.

BE IT FURTHER,

RESOLVED that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicants.

Dated: October 32, 1978.

Chairman

C. The Building Inspector and the Sanitary Inspector shall have the power to inspect the register containing a record of all residents of the mobile home park.

§ 27A-10. Revocation of permits.

Any permit for a mobile home park may be revoked when it is found to be in violation of this local law.

- A. Should the Building Inspector or the Sanitary Inspector find that conditions exist which are in violation of any provision of this local law, he shall give notice in writing to the permittee that unless such conditions or practices are corrected within ten (10) days, the permit shall/may be revoked.
- B. If at the end of ten (10) days, a further inspection reveals that the conditions or practices have not been corrected, the Building Inspector shall/may then revoke the permit and give notice of such suspension in writing to the permittee. Upon notice of revocation, the permittee shall cease operation of the mobile home park.

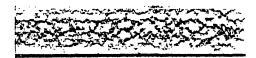
§ 27A-11. Existing parks.

Mobile home parks operating prior to the effective date of this local law may continue to operate, provided that at the end of the first year they apply for a permit to operate, and submit plans for review and approval of existing trailer park. Renewal permits may be issued to such parks one (1) year after adoption of this local law and shall file with the Planuing Board plans of the proposed revisions of said trailer park. Said revisions must comply with all provisions of this local law where possible. Variances of no greater than fifty percent (50%) may be approved by the Planning Board and Zoning Board of Appeals



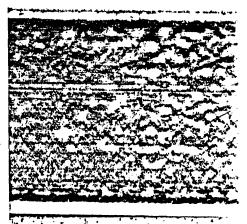
2 - 25 - 71











if extreme hardship is proved after the Planning Board has received approval of the Zoning Board of Appeals. Each existing park shall then be set on a schedule by the Planning Board to complete revisions and be given five (5) years to complete said revisions. These restrictions are not intended to reduce the number of sites in preexisting parks.

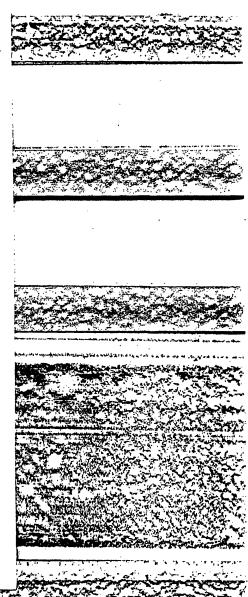
§ 27A-12. Appeals.

- A. Petition. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this local law, or of any regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Town Board, provided that such person shall file in the office of the Town Clerk a written petition requesting such hearing and setting forth a brief statement of grounds therefor within ten (10) days after the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and the suspension, except in the case of an order issued under emergencies. Upon receipt of such petition, the Town Board shall set a time and place for such hearing and shall give the petitioner written notice thereof.
- B. Hearing. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten (10) days after the day on which the petition was filed, provided that upon application of the petitioner the Town Board may postpone the date of the hearing for a reasonable time beyond such ten-day period when in the judgment of the Town Board the petitioner has submitted good and sufficient reasons for such postponement.



27A14

12 - 25 - 71



ZONING BO AND OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

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| • | 7/3//28 (Date) |
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| | |
| I, | Applicant information: DWEGHT TOWNSEND + JAMES HUSTED |
| | 14 FENNORE DRIVE 297-3347 |
| | (a) WAPPINCERS FALLS, M.Y. 12590 (Name, address and phone of Applicant) |
| | (Name, address and phone of Applicant) |
| • | (b) W.A. (Name, address and phone of purchaseror lessee) |
| | (Name, address and phone or purchaseror ressee) |
| | (c) <u>K.A.</u> (Name, address and phone of attorney) |
| | (Name, address and phone of accorney) |
| | (d) Name, address and phone of broker) |
| • | (Name, addless and phone of blokel) |
| II. | Application type: |
| | property of the second |
| | Use variance |
| • | Area variance |
| | Sign variance |
| | Special permit |
| | special permit |
| · **** | Droporty information. |
| 7.1.1 | Property information: RILEY ROAD 1660 |
| | (a) RYA MEM WENDSOR MY 65 / 47 82 ACRE (Zone) (Address) (M B L) (Lot size) |
| | |
| | (b) What other zones lie within 500 ft.? |
| | (c) Is a pending sale or lease subject to ZBA approval of |
| | this application? |
| | (d) When was property purchased by present owner? 2/24/78 |
| 4 | (e) Has property been subdivided previously? No When? |
| | (f) Has property been subject of variance or special permit previously? When? |
| | (g) Has an order-to-remedy violation been issued against the property by |
| | the Zoning Inspector? If so, when - (h) Is there any outside storage of the |

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| (Humber) | |
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| | |
| 7/3//78 (Date) | : |
| 1/3//78 | |
| (Date) | |

| | DWIGHT TOWNSEND + JAMES HUSTED 14 FENMORE DRIVE 297.5349 |
|-------|--|
| | (a) WAPPINGERS FALLS, N.Y. 12590 |
| | (Name, address and phone of Applicant) |
| | (b) M.A. (Name, address and phone of purchaseror lessee) |
| | |
| • | (c) <u>KA</u> . (Name, address and phone of attorney) |
| | |
| | (d) N.A. (Name, address and phone of broker) |
| • | |
| II. | Application type: |
| | Use variance |
| | Area variance |
| | |
| | Sign variance |
| | Special permit |
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| T T T | Property information: RILEY ROAD 1660 |
| | (a) RYA NEW WENDSOR NY LS 1 47 & ACRE (Zone) (Address) (M B L) (Lot size) |
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| | (b) What other zones lie within 500 ft.? |
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| d . | (c) Is a pending sale or lease subject to ZBA approval of this application? //o (d) When was property purchased by present owner? 2/24/78 (e) Has property been subdivided previously? No When? (f) Has property been subject of variance or special penalt |

| IV. | Use | variance: | | |
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| | (a) | Use Variance requested from Section 48.9, Table 45.5, allow | New Windsor Zor | Ling hocal haw, |
| | · . | (Describe proposed use) SEE ATTACHED D | PRAWENCS. | |
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| | (b) | The legal standard for a "Lhardship. Describe why you will result unless the use set forth any efforts you hardship other than this ag | ou feel unnocess variance is gra ave made to all | ary hardship mtod. Also |
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| V. | Ar | ea variance: MA. | | |
| | (a |) Area variance requested fr Section, Table | , Column | Zoning Local Law, |
| | | Requirements | Proposed or Available | Variance Reques |
| | | Min. Lot Area | | |
| • | | Min. Lot Width | | |
| | <i>:</i> | Reqd. Front Yard | | |
| | | Reqd. Side Yards | | |
| • | . ' | Reqd. Rear Yard | | |
| | | Reqd. Street Frontage* | | |
| | | Max. Bldg. Hgt. | | |
| | | Min. Floor Area* | | |
| | ų, | Dovolopment Coverage* | 8 | |

Floor Area Ratio**

^{*} Residential districts only ** Non-residential districts only

| | | proposed use) | DRAWENCS. | |
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| • | (b) | The legal standard for a | "USE" variance : | is unnecessary |
| • | | hardship. Describe why | you feel unnace: | ssary hardship |
| | | will result unless the us set forth any efforts you | have made to a | |
| | | hardship other than this | application. | |
| • | | SEE ATTACHED | SCHEDULE | A " |
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| , , | | Area variance requested | from New Windson | r Zoning Local Law: |
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| | | Min. Lot Width | | |
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| | | Reqd. Rear Yard | | |
| | | Reqd. Street Frontage*_ | | |
| | • | Max. Bldg. Hgt. | | |
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| | | | | building, and fr | | • |

| J v.r. | Special Permit: |
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| | (a) Special permit requested under New Windson Zoning Local Law, Section 48-9, Table Law, Column A LB. |
| , | (b) Describe in detail the use and structures proposed for the special permit. |
| | |
| | SEE ATTACHED DRAWINGS & |
| | SCHEDUCE "A" |
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| M viii | . Additional comments: |
| | (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.) SEE ATTACHEO SCHEDULE "A" |
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| ☐ IX. | Attachments required: |
| | Copy of letter of referral from Building and Zoning Inspector. |
| | Copy of contract of sale, lease or franchise agreement. |
| | Copy of tax map showing adjacent properties |
| 4 | Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot. |
| | Copy (ies) of sign(s) with dimensions. |
| | Check in amount of \$ payable to Town of Hew Winds |

Photos of existing premiers plate at a con-

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| | . • | SCHEDUCE "A" |
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| | AIII. V | additional comments: |
| | · (| (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.) |
| · . | • | SEE ATTACHED SCHEDULE "A" |
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| | IX. | Attachments required: |
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| | | MA Copy of contract of sale, lease or franchise agreement. |
| • | | Copy of tax map showing adjacent properties |
| | ď | Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot. |
| | | Copy (ies) of sign(s) with dimensions. |
| | | Check in amount of \$ payable to Town of New Windsor. |
| | | Photos of existing premises which show all present signs and leadecaping. |
| | | |
| | | All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper. |
| | | |
| | · . | All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper. Other |
| | | |

(Official Use Only)

| x. | AFFIDAVIT. |
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| 47. | LIT T TICIO T T |

| AFFIDAVIT. |
|---|
| Date 7/3//7F |
| STATE OF NEW YORK) |
|) SS.: COUNTY OF ORANGE) |
| The Undersigned Applicant, being duly sworn, deposes and states that the |
| information, statements and representations contained in this application |
| are true and accurate to the best of his knowledge or to the best of his : |
| information and belief. The applicant further understands and agrees that the |
| Zoning Board of Appeals may take action to rescind any variance or permit |
| granted if the conditions or situation presented herein are materially |
| changed. |
| Sworn to before me this 3/5f day of July , 1978. PATRICIA DELIO Notary Public, State of New York Appointed in Orange County My Commission expires Mass. 30, 197. |
| XI. ZBA Action: |
| (a) Public Hearing date |
| (b) Variance is |
| Special Permit is |
| (c) Conditions and safeguards |
| |

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The Undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Lapplicant)

Sworn to before me this

3/st day of

XI.

, 197**§**

PATRICIA DELIO
Notary Public, State of New York
Appointed in Orange County
My Commission expires Mes. 30, 192.

| ZBA | Action: | | | |
|-----|---------------------------|-----|------|----|
| (a) | Public Hearing date | | | ٠. |
| (b) | Variance is | | | |
| ⟨ : | Special Permit is | | | |
| (c) | Conditions and safeguards | | | |
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A FORMAL DECISION WILL FOLLOW WHICH WILL BE ADOPTED BY RESO-LUTION OF ZONING BOARD OF APPEALS.

SCHEDULE A

IV B

Two mobile homes sites are located extremely close to property owned by Mr. & Mrs. Charles Wygant. The area is also very wet during the spring, causing settlement in the piers supporting the mobile homes. The only apparent way to alleviate this problem is to move the sites.

VIII Additional comments:

The following are the improvements that we are offering

- A) Plant white pine or spruce trees to screen property frommneighbors view.
- B) Improve road and drainage according to submitted drawings.
- C). Install central sewer to all mobile home sites and the house.
- D) Construct concrete foundations and patios for all mobile home sites.
- E) Install underground electric to all sites.
- F) Install lighting if deemed necessary.
- C) No signs are being requested.
- H) The cost to implement these improvements is estimated to be \$15,000 to \$20,000. To make the project fiesable we are requesting permission to construct three additional sites as per our submitted drawings.

555 Union Avenue New Windsor, N. Y. August 15, 1978

Messrs. Dwight Townselld and James Husted 14 Fenmore Drive Wappingers, Falls, N.Y. 12590

RE: APPLICATION FOR USE VARIANCE BEFORE NEW WINDSOR ZONING BOARD OF APPEALS #78-21

Dear Messrs. Townsend and Husted:

This is to confirm that the above application for a use variance was granted in part as follows:

The Zoning Board of Appeals may grant only 50% additional trailers on property located on Riley Road in the Town of New Windsor. Therefore you may increase your trailer park by two (2) trailers in accordance with Section 27-a 11 of the Zoning Local Law of the Town of New Windsor. The proposal before the Board at the public hearing held on August 14, 1978 was for an increase of three (3) additional trailers.

Very truly yours,

PATRICIA DELIO, Secretary

/pđ

cc: Howard Collett, Bldg/Zoning Inspector Town Planning Board 8/14/78- Public Hearing Townsend/Husted 8 p.m. Soneykill Red. Wappingers ! Want - Religher & De RD-2 Rily Rd New Windson N. 7. no offer



OFFICE OF THE BUILDING & ZONING INSPECTOR TOWN OF NEW WINDSOR

Howard R. Collett 555 Union Avenue New Windsor, New York 12550

July 31, 1978

Dwight Townsend 14 Fenmore Drive Wappingers Falls, N. Y. 12590

Dear Sir:

Prior to issuing permits to relocate two (2) mobile homes on your Riley Road property, I would like to refer you to the Zoning Board of Appeals for the proposed extension of your mobile home park. As you know, the park has a pre-existing non-conforming use.

Any proposed extension to a mobile home park is subject to a special permit from the Zoning Board of Appeals and site approval by the Planning Board.

The Planning Baord would require a site plan prepared by a professional engineer.

Yours truly,

Howard R. Collett
Bldg./Zoning Inspector

HRC/mfb

cc: Zoning Board Appeals

July 27, 1978

Twight Townsend & James Husted 14 Fenmore Drive Wappingers Falls, New York 12590

Mr. Howard Collett, Building Inspector Town of New Windsor 555 Union Avenue New Windsor, New York 12550

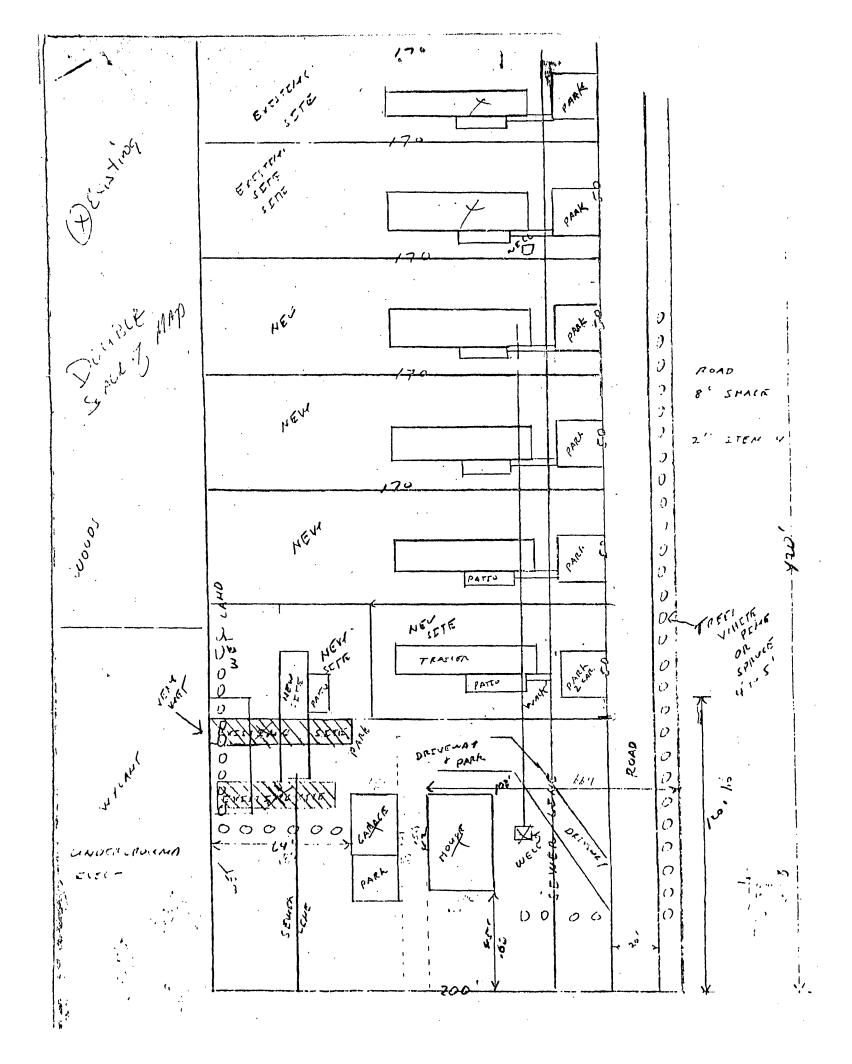
Dear Mr. Collett:

This letter is to request a building permit to move two mobile home sites and construct three additional sites as per our discussion in May, on our property located on Riley Road in the Town of New Windsor, as per the enclosed sketch.

Kindly advise us as soon as possible of your decision.

very truly yours,

Dwight Townsend



aug. 14, 1978.

To: New Windsor Zoning Board of Appeals

From: Frank Purdy, Riley Road, New Windsor

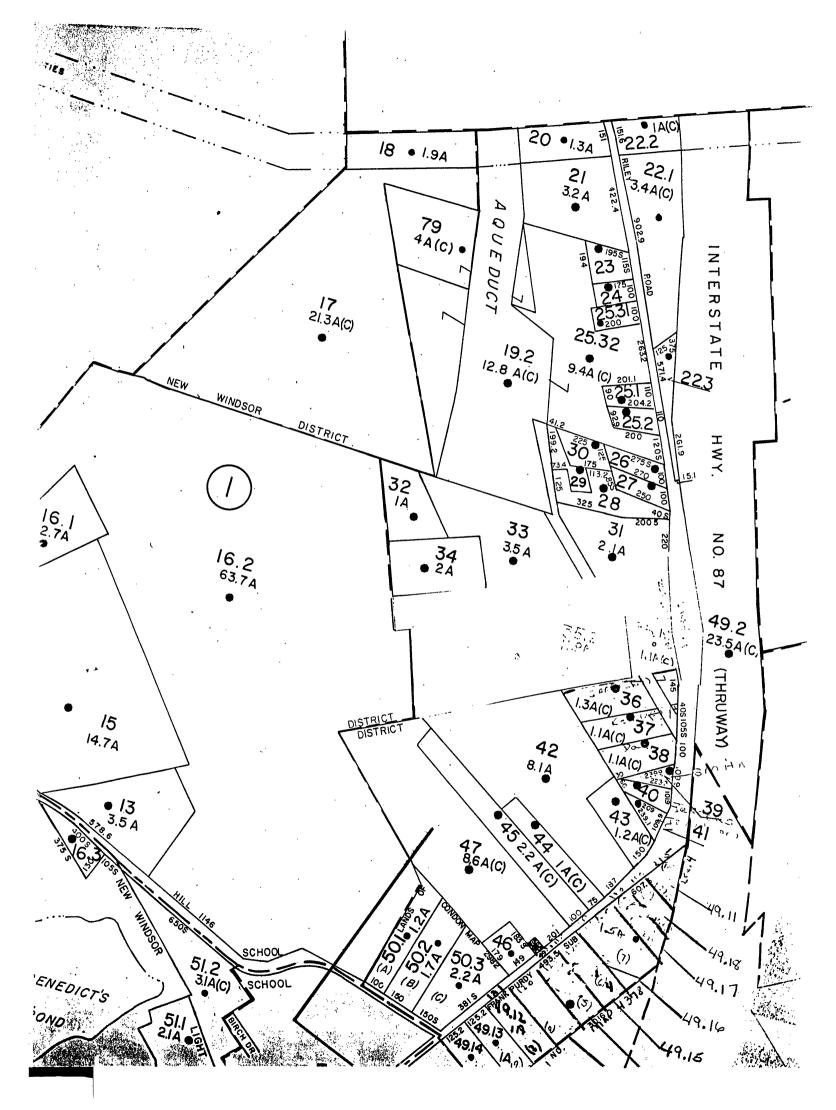
Re: Request for additional trailer sites on Husted property

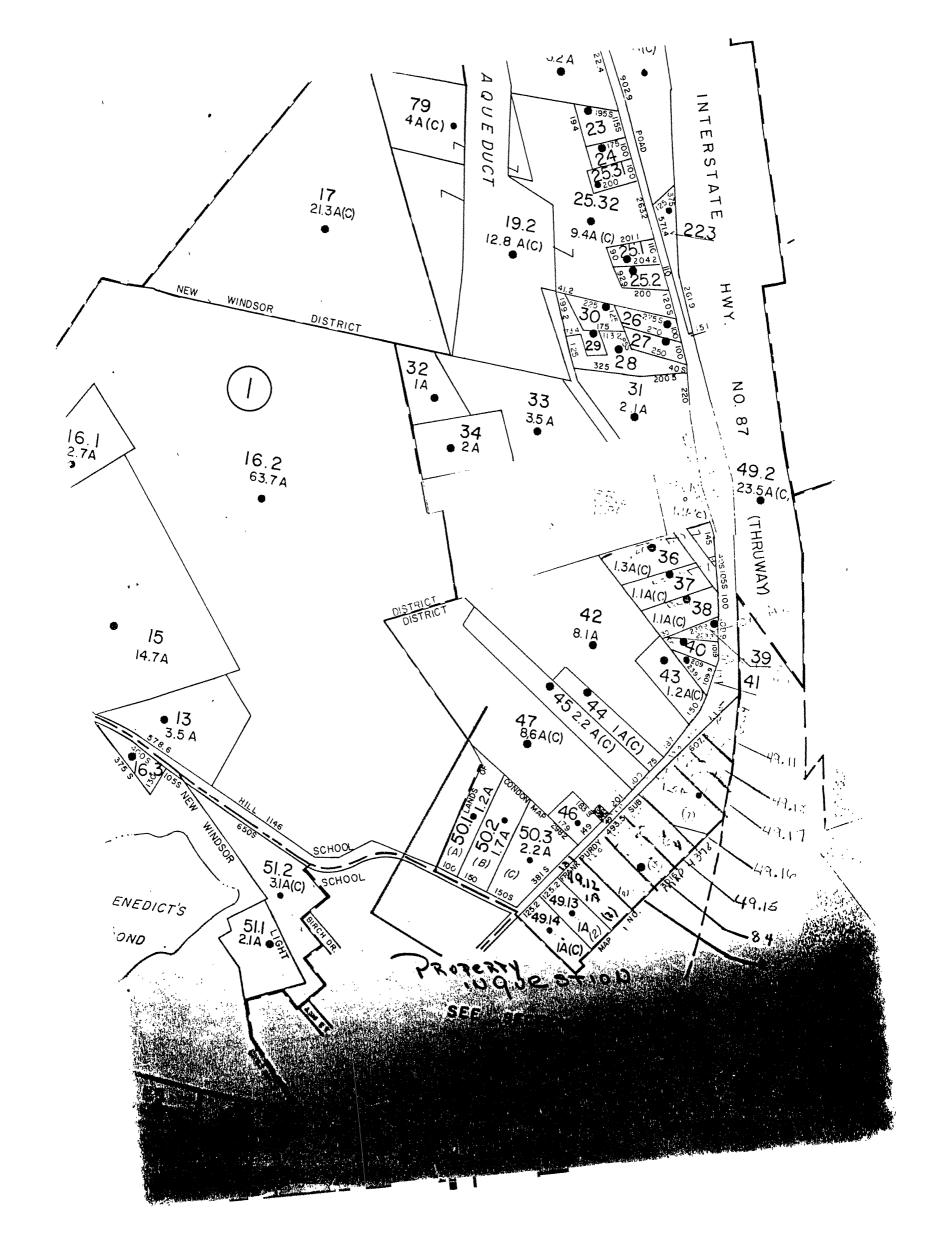
I have no objections to the additional trailer sites being proposed on Riley Road. My property is directly across the street from the property in question. Mr. Husted's plans to improve the property will be beneficial to all his neighbors.

I would like to remind the Board of the tremendous tax burden that the Town of New Windsor has placed on the residents of sewer district #19. I hope you take into consideration the amount of taxes that Mr. Husted pays and his need for the additional sites.

Respectfully.

Frank Purdy





PREVIOUS

DOCUMENT

IN POOR

ORIGINAL

CONDITION

July 25, 1978

Mr. Dwight Townsend Husted & Townsend 14 Fenmore Drive Wappingers Falls, N. Y. 12590

RE: APPEARANCE BEFORE ZONING BOARD OF APPEALS Request of Use Variance #78-21

Dear Mr. Townsend:

In accordance with our telephone conversation of this date, enclosed please find the necessary application and public hearing notice for preparation of a public hearing before the ZBA.

However, it is imperative for you to contact the Zoning Inspector, Howard Collett, before I can go ahead and schedule your hearing. If you recall, the members of the ZBA voted by motion to schedule the hearing pending your receipt of a formal denial from the Zoning Inspector.

Please contact Mr. Collett at 56 5-8807 as soon as possible.

Thank you.

Very ttuly yours,

PATRICIA DELIO, Secretary New Windsor Zoning Board of Appeals

/pd

cc: Howard Collett, Bldg./Zoning Inspector Town of New Windsor

PUBLIC NOTICE OF HEARING BEFORE ZONING BOARD OF APPEALS TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-33A of the Zoning Ordinance on the following proposition:

| oriowing proposition. |
|--|
| Appeal No. 21 |
| Request of DWIGHT TOWNSEND and JAMES HUSTED |
| for a VARIANCE and SPECIAL USE PERMIT of |
| the regulations of the Zoning Ordinance, to permit |
| the extension of a pre-existing trailer park |
| being a VARIANCE & SPECIAL USE PERMIT of |
| Section 48-9 - Table of Use Regulations - Cols. A & B |
| for property situated as follows: |
| Riley Road, Town of |
| New Windsor, New York (across from property |
| now or formerly of Frank Purdy). |
| SAID HEARING will take place on the 14thday of August, , 1978 |
| at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y. |
| beginning at 8 o'clock P. M. |
| MARK STORTECKY |

Chairman

Agenda:

7:30 p.m. - Roll Call

Motion to accept minutes of the June 26, 1978. Meeting as written.

Preliminary Meeting:

Sec. 48 Col. - A & B.

1. Dwight Townsend and Jim Husted - Proposal of a trailer park on Riley Road. Public A

Q. Mr. John Maher - Erecting Block storage building w/o permit.

rules &ft. rear P.H. schelald
yand variance aug. 14-8:15

Public Hearing:

8 p.m. - Application for sign area variance of HERBERT SLEPOY and SAMBO'S .

RESTAURANTS, INC.

Granded - 196 G. ft. Sign Variance

Motion to accept formal decisions:

(1) Richard Sarnowski denial

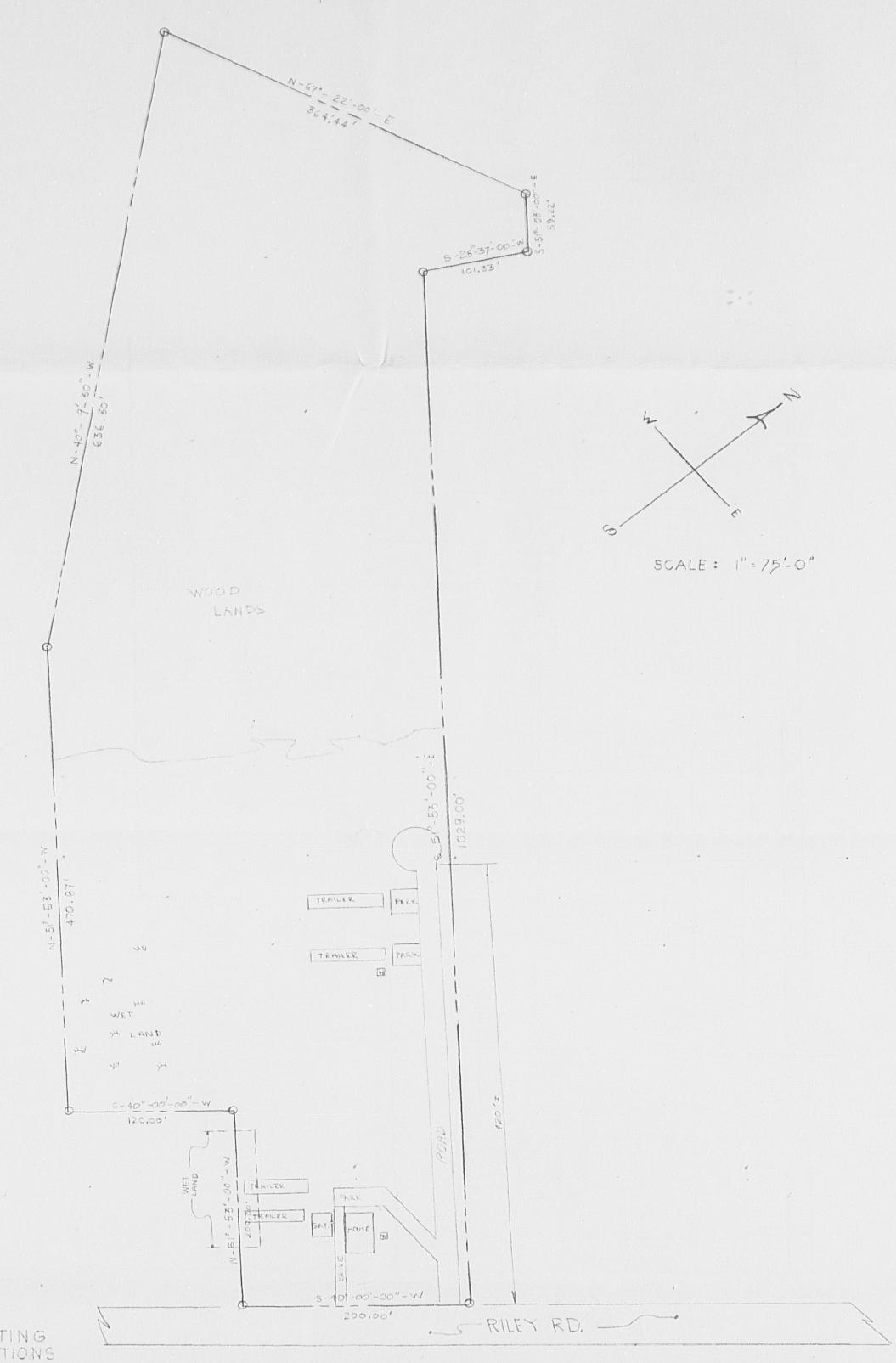
(2) Monarch Metals approval

hoguorum to vote on decisions.

Discussion period.

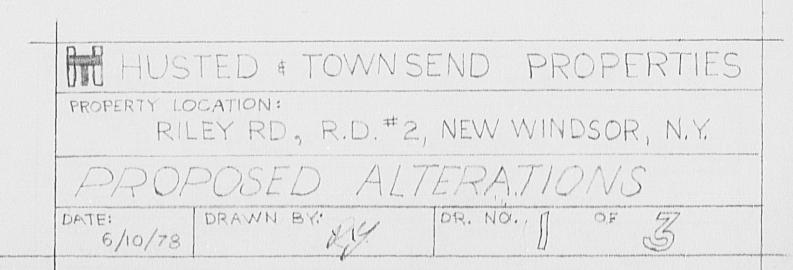
Adjournment.

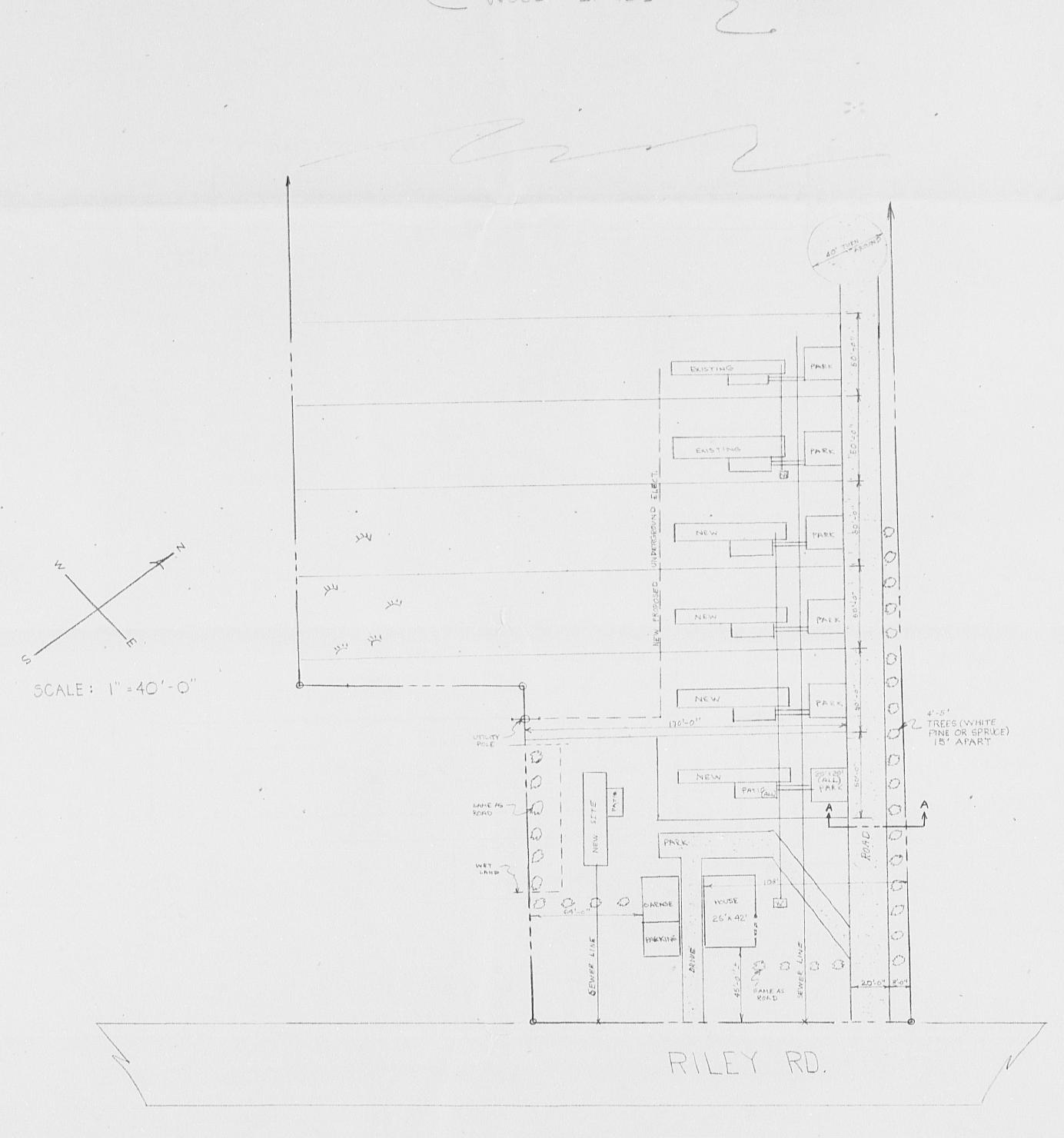
Pat 565-8550 (office) 562-7107 (home)



NOTES

- PLOT, AS SHOWN, IS EXISTING PLOT. PROPOSED ALTERATIONS FOLLOW ON SHEETS 243
- B W WELL
- P ALL LOCATIONS APPROX.





NOTES

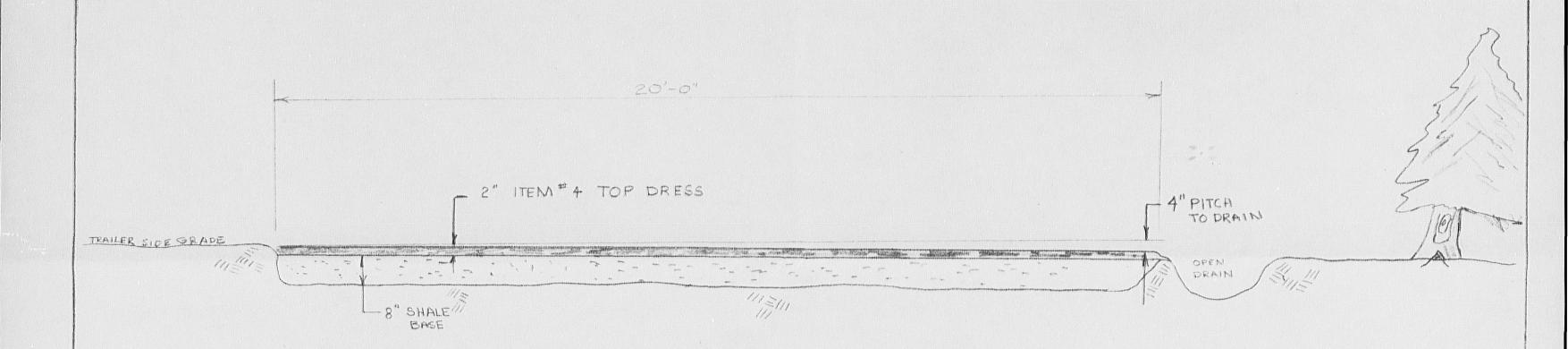
- SEE SECTION A FOR ROAD CONST.

HUSTED & TOWNSEND PROPERTIES PROPERTY LOCATION:
RILEY RD, R.D. #2, NEW WINDSOR, N.Y.

PROPOSED ALTERATIONS

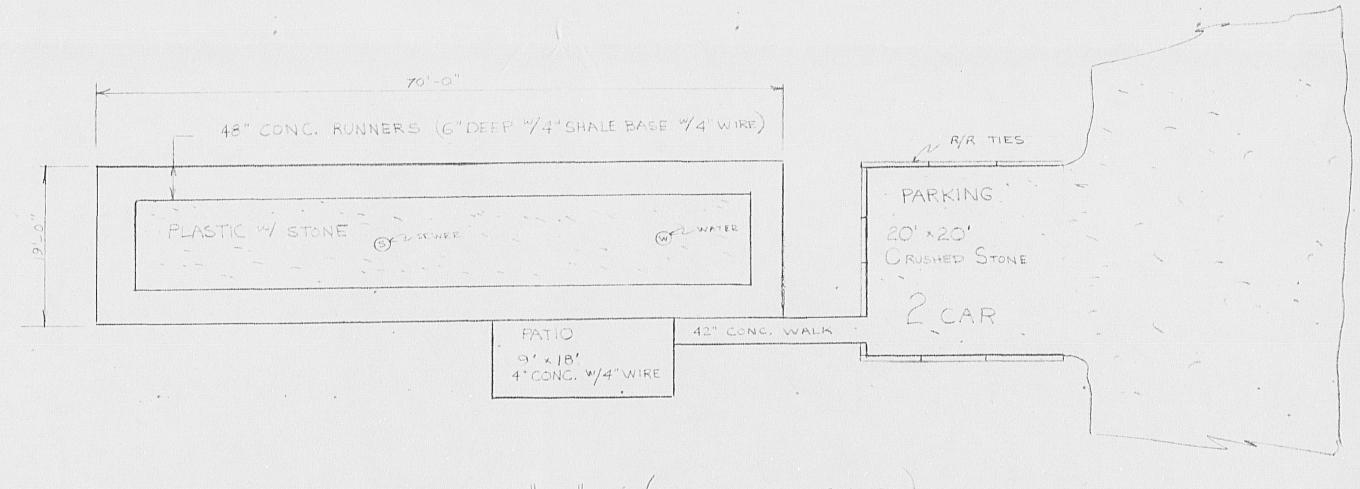
DRAWN BY: R.G. DATE: 6/10/78

PR. NO. 2



SECTION A-A (ROAD CONS'T.)

SCALE: 1"=2'-0"



DETAIL "X" (PAD LAYOUT)

SCALE 1"-10-0"

